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UNITED STATES MAGISTRATE COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. 3 05 70552

Plaintiff,)

v.)

SHEILA WHITTENBERG,)

Defendant.)

~~PROPOSED~~ ORDER AND
STIPULATION FOR CONTINUANCE
FROM DECEMBER 16, 2005 TO
JANUARY 26, 2006 AND EXCLUDING
TIME FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of January 26, 2006 at 9:30A.M. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from December 16, 2005 to January 26, 2006. The parties agree, and the Court finds and holds, as follows:

1. The defendant has been released on her own recognizance.

2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

preliminary hearing.

4. Counsel for the defense believes that postponing the preliminary hearing is in his client's best interest, and that it is not in his client's interest for the United States to indict the case during the normal 20-day timeline established in Rule 5.1.

5. The Court finds that, taking into the account the public interest in the prompt disposition of criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court finds that the ends of justice served by excluding the period from December 16, 2005 to January 26, 2006, outweigh the best interest of the public and the defendant in a speedy trial. § 3161(h)(8)(A).

6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary hearing date before the duty magistrate judge on January 26, 2006, at 9:30A.M., and (2) orders that the period from December 16, 2005 to January 26, 2006 be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED:

DATED: December 15, 2005

/s
RON TYLER
Attorney for Defendant

DATED: December 14, 2005

/s
ROBERT DAVID REES
Assistant United States Attorney

IT IS SO ORDERED.

DATED: December 16, 2005

HON. ELIZABETH D. LAPORTE
United States District Judge

